

### **REMARKS**

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

#### **Claim Status/Amendments**

In this response, claims 6 and 8 have been cancelled, claim 5 has been amended and new claims 9 and 10 have been added. Claim 9 contains the subject matter of claims 1 & 6 while claim 10 contains the subject matter of cancelled claim 8. These new claims set forth patentable subject matter in that they recite structure which is neither disclosed by nor rendered obvious by the disclosure of the cited art.

#### **Rejections under 35 USC § 103**

- 1) The rejections of claims 5-8 under 35 USC § 103(a) as being unpatentable over Miki et al. in view of Masenas et al. is respectfully traversed.

Firstly, the second rejection under this statute requires a further third reference (Kouno et al.) before claims 7 and 8 can be rejected. This suggests that the rejection possibly is intended to recite only claims 5-6. Clarification in a further office action is deemed necessary.

The amendment of claim 5 to call for the servoloop circuit to comprise an amplifier having an input connected to a mid-point of the resistor network is submitted as defining a structure which cannot be distilled from the cited art.

Further, without a full working knowledge of the claims it is not seen that the hypothetical person of ordinary skill would be remotely be moved to consider the disclosure of Masenas et al. and contemplate the use of any teachings which may be gleaned from Masenas et al. in connection with the arrangement found in Miki et al.. A

review of the Miki et al. reference shows that calibration is either not deemed an issue or is eliminated by the disclosed arrangement. That is to say, the term "calibrate" does not occur in the Miki et al. reference and as such there must be something to suggest to the hypothetical person of ordinary skill that further modification is needed – viz., motivation. In this rejection we have the "its known so its obvious" approach to rejection. Further, unless the hypothetical person of ordinary skill was aware that the structure (circuit arrangement) of Miki et al. was necessary it would appear that should the control which is provided by Masenas et al. were, for some reason not established in this rejection, deemed appropriate, it appears that the hypothetical person of ordinary skill would simply move straight to Masenas et al. and ignore Miki et al. completely.

- 2) The rejection of claims 7 and 8 under 35 USC § 103(a) as being unpatentable over Miki et al. in view of Masenas et al. and further in view of Kouno et al., is respectfully traversed.

Claim 8 is cancelled and claim 7 depends from claim 5 which for the reasons advanced above, is deemed patentable over the basic combination of Miki et al. and Masenas et al.

### Conclusion

It is respectfully submitted that the claims as they have been amended and newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
**Date: January 14, 2008**  
**KMB/KT/mkl/cac**